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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,320	01/29/2004	Marcelo Krygier	P-6505-US	1221
27130 7590 05/02/2007 EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			EXAMINER DOAN, DUC T	
			ART UNIT 2188	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/766,320

Applicant(s)

KRYGIER, MARCELO

Examiner

Duc T. Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/14/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set for in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/2/07 has been entered.

Claims 1-16 have been presented for examination in this application. In response to the last office action, the specification has been amended, claims 8,12-13 have been amended. As the result, claims 1-16 are pending in this application.

Applicant's remarks filed 3/2/07 have been fully considered with the results as follows,

The amendments have overcome the rejection of claim 12 under 35 U.S.C. 112 second paragraph.

Claims 11-12 are objected to.

Claims 1-10,13-16 are rejected.

### ***Information Disclosure Statement***

The Information Disclosure Statement(s) received 10/12/2004 has been acknowledged. However, the IDS contains cited document(s) in previous correspondence. Please see attached PTO-1449(s).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

A person shall be entitled to a patent unless -

(a) the invention was known or used by other's in this country or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8,13-16 are rejected under 35 U.S.C. 102 (a) as being anticipated by Lakhani et al (US 2003/0126385).

As in claim 1, Lakhani discloses a method for operating a non-volatile memory device comprising: using one or more unused bits of an address argument (Lakhani's page 7 table A, c1, c2 bits) of a command as an addressing mode field (Lakhani's paragraph 84 discloses a method for operating non-volatile devices using bits C1, C2 that is not being used as addressing bits) to determine whether said address argument is a byte address argument or a block address argument (Lakhani's page 7 table A, paragraph 75 discloses C1,C2 bits being used to determine the first mode, address bits being interpreted as byte address for an operation in a memory device, see paragraph 69; Lakhani's paragraph 76 discloses C1,C2 bits being used to determine the second mode, corresponding to the claim's block mode, in which an operation occurs for data in blocks of memory devices, see paragraph 70).

Lakhani's control bits and address bits corresponds to the claim's address argument. Because the control bits does not contain address bits of memory device as of bits A [22:0], therefore the control bits are unused bits of an address argument as claimed. Lakhani further discloses the control bits are used as addressing mode (as claimed) to indicate the address is for byte mode addressing or block mode addressing (as claimed, see above paragraph).

As in claims 2-3, Lakhani discloses determining that the address argument is the byte address argument when the addressing mode field is zero (claim 2; Lakhani's paragraph 75 discloses the C1, C2 having value 0 for first mode/byte mode operation); determining that the address argument is the block address argument when the addressing mode field is one (claim 3; Lakhani's paragraph 76 discloses C1 having value of 1 for second mode/block mode operation).

As in claims 4-5, Lakhani discloses accessing a byte address within a memory unit according to the byte address argument if said address argument is a byte address argument (claim 4); accessing a block address within a memory unit according to the block address argument if said address argument is a block address argument (claim 5). The claims rejected based on the same rationale as of claims 1 and 2. Lakhani's paragraph 84 discloses a method for operating non-volatile devices using bits C1, C2 that is not being used as addressing bits.

As in claims 6-7, Lakhani discloses wherein using said one or more unused bits comprises using a least significant bit of said address argument (claim 6); wherein using said one or more unused bits comprises using a most significant bit of said address argument (claim 7). Lakhani's table 1, paragraph 75 discloses using the C1, C2 bits comprising using the associating address bits to address particular cells in the memory devices. The address bits include both most significant and least significant bits.

Claims 8,13 rejected based on the same rationale as of claim 1.

As in claim 14, Lakhani discloses using one or more unused bits of the address argument as the addressing mode field. Lakhani's paragraph 84 discloses a method for operating non-volatile devices using bits C1, C2 that is not being used as addressing bits.

Claim 15 rejected based on the same rationale as of claim 2.

Claim 16 rejected based on the same rationale as of claim 3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Lakhani et al (US 2003/0126385) and in view of Zer et al (US 2005/0055479).

As in claims 9,10 Lakhani discloses wherein said memory unit is a multi media card (MMC) (claim 9); wherein said memory unit is a secure digital (SD) memory card (claim 10) Lakhani does not expressly disclose the memory is a multi media card or secure digital card. However, Zer's paragraph 6 discloses systems using the removable storage device such as MMC and SD cards. It would have been obvious to one of ordinary skill in the art at the time of

invention to use the removable memory cards, for example MMC and SD cards, as suggested by Zer in Lakhani's system thereby further providing secure, light weight, efficient data transferring storage media for various systems such as PDA, cellular telephones (see Zer's paragraphs 6-7).

***Allowable Subject Matter***

Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments in response to the last office action has been fully considered but they are not persuasive. Examiner respectfully traverses Applicant's arguments for the following reasons:

Regarding Applicant's remarks on page 5 for the rejections of claim 12 under 35 U.S.C 112 second paragraph,

The amendments have overcome the rejection of claim 12 under 35 U.S.C 112 second paragraph.

Regarding Applicant's remarks on pages 5-8 for the rejections of claims 1,8,13 under 35 U.S.C 102(a),

A) Lakhani's control bits and address bits corresponds to the claim's address argument. Because the control bits does not contain address bits of memory device as of bits A [22:0], therefore the control bits are unused bits of an address argument as claimed. Lakhani further

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discloses the control bits are used as addressing mode (as claimed “using one or more unused bits of an address argument”) to indicate the address is for byte mode addressing or block mode addressing (see Lakhani’s page 7 table A, paragraph 75 discloses C1, C2 bits being used to determine the first mode, address bits being interpreted as byte address for an operation in a memory device, see paragraph 69; Lakhani’s paragraph 76 discloses C1, C2 bits being used to determine the second mode, corresponding to the claim’s block mode, in which an operation occurs for data in blocks of memory devices, see paragraph 70).

B) Regarding Applicant’s remarks on pages 7-8, Lakhani discloses the control bits as unused bits of an address argument, see item A above. Furthermore, Lakhani consistently discloses in various paragraphs that the control bits are used as addressing mode bits to indicate address bits must be used as in a by addressing mode or as in block addressing mode (see Lakhani’s paragraph 69-70). Therefore Lakhani consistently teaches the claim’s limitations as claimed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


When responding to the office action, Applicant is advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The examiner can normally be reached on M-F 8:00 AM 05:00 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER

4-29-07